

1336. Misbranding of Nox-A-Boil Tablets. U. S. v. 17 Packages and 48 Vials of Nox-A-Boil Tablets. Default decree of condemnation and destruction. (F. D. C. No. 12333. Sample Nos. 59774-F.)

On June 5, 1944, the United States attorney for the Northern District of Illinois filed a libel against 17 60-tablet packages and 48 30-tablet vials of Nox-A-Boil Tablets at Chicago, Ill., alleging that the article had been shipped between the approximate dates of February 27, 1943, and March 27, 1944, by the Noxaboil Laboratories, from Fenton, Mich.

Analysis indicated that the article contained principally starch, sugars, calcium carbonate, fat, silica, and small proportions of other constituents, including magnesium and phosphorous compounds.

The article was alleged to be misbranded in that the designation "Nox-A-Boil," the firm name "The Noxaboil Laboratories," and certain statements in the labeling, were false and misleading since they represented and suggested that the article would be an adequate treatment for boils, pimples, carbuncles, furuncles, infected lacerations, sprains, bruises, cuts, abscesses, ulcerated teeth, sore throat, tonsillitis, canker sores in the mouth, discharging ears, infected wounds, and other septic infections, whereas it would not be efficacious for such purposes. It was alleged to be misbranded further in that it failed to bear labels containing an accurate statement of the quantity of the contents of the package and vial.

On July 24, 1944, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1337. Misbranding of Kotalko. U. S. v. 1½ Dozen Packages of Kotalko. Default decree of condemnation and destruction. (F. D. C. No. 12165. Sample No. 50272-F.)

On April 10, 1944, the United States attorney for the Western District of Pennsylvania filed a libel against 1½ dozen packages of Kotalko at Pittsburgh, Pa., alleging that the article had been shipped on or about January 13, 1944, by the Block Drug Co., from Jersey City, N. J.; and charging that it was misbranded.

Examination showed that the article consisted essentially of an ointment containing, among other ingredients, turpentine and a camphoraceous oil. The box containing the ointment occupied only 32.1 percent of the volume of the carton. The average net weight of the ointment in the box was 0.86 ounce, which was 37.8 percent below the declared 1¾ ounces.

The article was alleged to be misbranded (1) in that the statements in the circulars entitled, "Kotalko Dictory" and "Important Truth Revealed," enclosed in the carton containing the article, which represented and suggested that the article would encourage hair growth, decrease dandruff, retard excessive hair loss, beautify the hair, maintain healthy, beautiful hair growth, stimulate and invigorate the scalp circulation, and encourage the hair roots into active vitality, were false and misleading since the preparation contained no ingredients or combination of ingredients capable of producing the effects stated or implied; (2) in that it was in package form and its label failed to bear an accurate statement of the quantity of the contents, since the statement which appeared on the label was incorrect; and (3) in that its container was so made, formed, or filled as to be misleading, since the carton was materially larger than was necessary to hold the contents.

On May 15, 1944, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1338. Misbranding of Obeto. U. S. v. 1,175 Ampuls of Obeto. Default decree of condemnation and destruction. (F. D. C. No. 12955. Sample No. 53727-F.)

On July 15, 1944, the United States attorney for the Southern District of California filed a libel against 1,175 ampuls of Obeto at Los Angeles, Calif., alleging that the article had been shipped on or about March 23, 1944, by the Ziegler Pharmacal Co., from Buffalo, N. Y.

Examination showed that the article was a water solution in ampuls, each cubic centimeter of which contained an extract from 1 grain of thyroid.

The article was alleged to be misbranded (1) in that it was fabricated from two or more ingredients and was not designated solely by a name recognized in an official compendium, and its label failed to bear a statement of the quantity or proportion of thyroid or a preparation of thyroid contained therein; and (2) in that the statement on the carton containing the article, "Active principles of adrenal cortex, anterior pituitary, thyroid, ovarian, lymphatic, pituitary posterior, thymus," was misleading since the

active principles of adrenal cortex, anterior pituitary, ovarian, and posterior pituitary were not present in the article in significant proportions, if at all, and since lymphatic and thymus tissues contain no known active principles.

On August 24, 1944, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1339. Misbranding of Magnetic Ray appliances. U. S. v. 8 Magnetic Ray Devices and 100 Circulars, and 3 Magnetic Ray Devices and Circulars. Default decrees of condemnation. Four devices and 2 sets of circulars ordered delivered to the government; remainder ordered destroyed. (F. D. C. Nos. 11863, 12046. Sample Nos. 9262-F, 59455-F.)

On or about March 14 and 23, 1944, the United States attorneys for the Western Districts of Michigan and Louisiana filed libels against 8 Magnetic Ray devices and 100 circulars at Muskegon, Mich., and 3 Magnetic Ray devices and a number of circulars at Lake Charles, La. On May 18, 1944, a supplemental libel was filed against 3 more of the devices at Lake Charles, La. It was alleged in the libels that a number of the devices had been shipped between the approximate dates of December 3, 1943, and January 12, 1944, by Frank B. Moran, trading as the Magnetic Ray Co., from Dallas, Tex., to Muskegon, Mich.; that the remainder had been consigned by that shipper to Orange, Tex., and from there transported by the consignee, Mrs. John Martin, to Lake Charles, La., on or about February 28, 1944; and that the devices, when introduced into and while in interstate commerce, were accompanied by circulars entitled "Magnetic Ray Treatment," and "Directions for Taking Magnetic Ray Treatments."

The device consisted of a coil of wire made in the form of a belt, to which was fastened a wire to be connected with an ordinary lighting circuit. When so connected it would produce a magnetic field.

The device was alleged to be misbranded because of false and misleading statements in the accompanying circulars which represented and suggested that it would be efficacious in the treatment of asthma, arthritis, anemia, Bright's disease, bladder trouble, bronchitis, colds, hay fever, constipation, catarrh, catarrhal deafness, diabetes, eczema, epilepsy, goiter, hemorrhoids, heart diseases, headaches, high blood pressure, indigestion, insomnia, impotence, low blood pressure, lumbago, menstrual troubles, neuralgia, neuritis, nervous troubles, obesity, paralysis, rheumatism, sciatica, sinus troubles, tuberculosis, tumors, ulcers, varicose veins, prostate disorders, and affections of the pelvic organs; that it would promote sound and refreshing sleep, relieve nervous irritability and pain, and exert a revitalizing influence upon the sexual or procreative glands; that it would increase physical and mental efficiency, clear the complexion, tone up the system, restore and preserve health, cause the absorption of abnormal growths and deposits, such as tumors, goiter, and blood clots, and improve circulation; and that it would be effective to avoid and eliminate autotoxemia. The article would not be efficacious for such purposes.

On April 8 and December 7, 1944, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed, with the exception of a number of the devices and circulars, which were ordered delivered to the government.

DRUGS FOR VETERINARY USE

1340. Misbranding of Pom-U-Soy. U. S. v. Pom-U-Soy Co., Ltd. Plea of guilty. Fine, \$100. (F. D. C. No. 12559. Sample No. 47851-F.)

On October 27, 1944, the United States attorney for the Southern District of Ohio filed an information against the Pom-U-Soy Co., Ltd., a partnership, Cincinnati, Ohio, alleging shipment of a quantity of the above-named product on or about November 15, 1943, from the State of Ohio into the State of Arkansas.

Analysis of a sample of the article showed that it consisted essentially of water, containing extracts of plant drugs.

The article was alleged to be misbranded because of false and misleading statements on its label and in an accompanying circular entitled, "Read What Users Say About 'Pom-U-Soy'," which represented and suggested that the article would be efficacious in the cure, mitigation, treatment, and prevention of coccidiosis and blood disorders; that it would afford protection continuously, from hatching through the life of the poultry; that it would be efficacious as an everyday health builder for a laying flock, and as a disease